

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

KENNETH HUSTON §
VS. § CIVIL ACTION NO. 9:24-CV-45
WARDEN MCNEIL, ET AL. §

MEMORANDUM OPINION AND ORDER

Plaintiff Kenneth Huston, a prisoner currently confined at the Hodge Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Warden McNeil, Sergeant Rajo, Brayn Callader, Rayson, and unidentified defendants. The defendants are employed at the Hodge Unit, where Plaintiff is confined.

Discussion

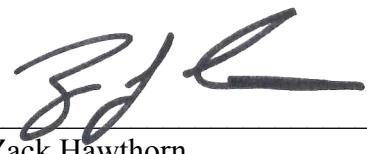
When jurisdiction is not founded solely on diversity of citizenship, 28 U.S.C. § 1331 provides that venue is proper in the judicial district where the defendants reside or in which the claim arose. Under 28 U.S.C. § 1404, the district court may transfer a civil action to any other district where it could have been brought for the convenience of parties and witnesses and in the interest of justice.

Plaintiff complains of incidents that took place at the Hodge Unit in Rusk, Texas. The Hodge Unit is located in Cherokee County, which is in the Tyler Division of the United States District Court for the Eastern District of Texas. Venue is proper in the Eastern District of Texas, but the court has considered the circumstances and has determined that the interests of justice would be served by

transferring this action to the division in which the claims arose. Therefore, the case should be transferred to the Tyler Division. It is accordingly

ORDERED that this civil rights action is **TRANSFERRED** to the Tyler Division of the United States District Court for the Eastern District of Texas.

SIGNED this 12th day of March, 2024.



Zack Hawthorn
United States Magistrate Judge